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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 **KARL PEIPELMAN,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **FRANKLIN COLLECTION)**
18 **SERVICES, INC.,**)
19)
20 Defendant.)

21 **I. INTRODUCTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*
24 *seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,
25 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy
26 ancillary to Defendant's collection efforts.

27 **II. JURISDICTION**

28 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Karl Peipelman, is a natural person residing in Pima County.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

1 5. Defendant, Franklin Collection Services, Inc., is a corporation engaged in the
2 business of collecting debts by use of the mails and telephone, and Defendant regularly
3 attempts to collect debts alleged to be due another.
4

5 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
6 1692a(6) trying to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).
7

8 **IV. FACTUAL ALLEGATIONS**

9 7. At various and multiple times prior to the filing of the instant complaint,
10 including within the one year preceding the filing of this complaint, Defendant
11 contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s
12 conduct violated the FDCPA in multiple ways, including but not limited to:
13

- 14 a) Communicating with Plaintiff after having received a letter from Plaintiff
15 with a request to cease and desist all collection contacts or a statement that
16 Plaintiff refuses to pay the debt (§ 1692c(c));
- 17 b) Failing to disclose Defendants true corporate or business name in a
18 telephone call to Plaintiff, including referring to Defendant repeatedly as
19 STSI (§ 1692d(6));
- 20 c) Causing Plaintiffs telephone to ring repeatedly or continuously with intent
21 to harass, annoy or abuse Plaintiff, including calling back immediately
22 after Plaintiff had hung up on Defendant (§ 1692d(5));
- 23 d) Failing to disclose the callers individual identity in a telephone call to
24 Plaintiff (§ 1692d(6)).
25
26
27
28

1 8. Defendant's aforementioned violations of the FDCPA also constitute an
2 invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental
3 anguish and distress.
4

5 9. Defendant's aforementioned violations of the FDCPA also constitute an
6 intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's
7 life, conducted in a manner highly offensive to a reasonable person. With respect to
8 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was
9 objectively reasonable under the circumstances.
10

11
12 **COUNT I: VIOLATION OF FAIR DEBT**
13 **COLLECTION PRACTICES ACT**

14 10. Plaintiff reincorporates by reference all of the preceding paragraphs.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
17 Defendant for the following:
18

- 19 A. Declaratory judgment that Defendant's conduct
20 violated the FDCPA;
21 B. Actual damages;
22 C. Statutory damages;
23 D. Costs and reasonable attorney's fees; and,
24 E. For such other and further relief as may be just and proper.
25

26 **COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

27 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 20th day of May, 2009

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